ATTACHMENT A

REMARKS

In the Restriction Requirement dated July 2, 2003, the Examiner, applying the restriction standard under 37 C.F.R. § 1.499, identified five groups for restriction (Group I-V). Specifically, the Examiner identified Group I (claims 1-8 and 22, drawn to the production of L-epi-2-inosose; Group II (claims 9-16, drawn to the production of epi-inositol; Group III (claim 19, drawn to a strain of *Xanthomonas*); Group IV (claim 20, drawn to a strain of *Pseudomonas*); and Group V (claim 21, drawn to *Erwinia*).

The Examiner alleges that the inventions listed in Groups I-V do not relate to a single inventive concept under PCT Rule 13.1 and under PCT Rule 13.2 for lacking the same or corresponding special technical feature. Specifically, the Examiner asserts that the method of Group I does not share a special technical feature with the method of Group II because the purpose of each of these processes and products formed thereby are different, independent and distinct. Further, the Examiner asserts that the product of Group III does not share a technical feature with the products of the claims of Groups IV and V. Applicants respectfully traverse this restriction requirement at least with regard to Groups I and II, and at least one of Groups III, IV and V, for the reasons as stated below.

Applicants respectfully submit that contrary to the Examiner's assertion, the inventions of Examiner identified Groups I, II and at least one of Groups III, IV and V form a single inventive concept in accordance with PCT Rules 13.1 and 13.2 as implemented under U.S. patent practice. The claims of Group I (claims 1-8 and 22) are drawn to the conversion of myo-inositol into L-epi-2-inosose. Group II (claims 9-18) are

drawn to the production of epi-inositol through a process of first converting myo-inositol into L-epi-2-inosose using the same process recited in claim 1. Groups III, IV and V are drawn to three different microorganism strains which perform the process recited in claim 1 and in claim 2, namely the process of converting myo-inositol into L-epi-2-inosose. Therefore, contrary to the Examiner's second point in alleging that the Groups I-V do not form a single general inventive concept (page 2 of the Restriction Requirement), the technical feature which links Groups I, II and at least one of Groups III, IV and V is the process of converting myo-inositol into L-epi-2-inosose recited in Group I (claims 1-8 and 22) and in Group II (claims 9-18) which is performed by the strains of Groups III, IV and V.

Accordingly, there is unity of invention between the claims of Groups I, II and at least one of Groups III, IV and V. The unity of invention standard under 37 C.F.R. § 1.475(b)(4) states that claims to different categories of invention will be considered to have unity of invention if the claims are drawn to a process and an apparatus or means specifically designed to carry out said process. In the present application, the claims of Groups I and II are drawn to converting myo-inositol into L-epi-2-inosose and the claims of Groups III, IV and V are drawn to three microorganism strains specifically designed as the means to carry out the process of converting myo-inositol into L-epi-2-inosose. Therefore, the subject matter of Groups I, II and at least one of Groups III, IV and V recite subject matter which share the same inventive concept, i.e., the conversion of myo-inositol into L-epi-2-inosose, and thus there is unity of invention between the claims of Groups I, II and at least one of the claims of Groups III, IV and V.

As further evidence that a proper consideration of the present claims under the PCT rules concerning lack of unity would avoid the restriction as applied hereto, it is noted that the PCT Examiner in reviewing the claims did not make any restriction thereto under the applicable restriction rules.

Accordingly, for reasons as stated above, Applicants submit that the present restriction requirement is in error and should be withdrawn in whole or part as set forth herein.

Without prejudice to the above arguments, and solely to complete the response, Applicants provisionally elect Group II (claims 9-18).

END REMARKS

ATTACHMENT B

Marked Up Replacement Claims

Following herewith is a marked up copy of each rewritten claim.

8. (Amended) A process as claimed in Claim ~~1, wherein the culture broth or the reaction solution containing the microbial cells and L-epi-2-inosose as produced and accumulated therein is obtained in the process of Claim 6 or 7~~ 6, followed by removing the microbial cells of the micro-organism from said culture broth or said reaction solution, and wherein the resulting culture broth supernatant or the resulting filtrate of the reaction solution as obtained upon the removal of the microbial cells from said culture broth or said reaction solution containing L-epi-2-inosose therein is then subjected to a treatment with ion-exchange resin(s) or to a treatment with activated carbon or to a treatment for crystallization of L-epi-2-inosose or to any combination of these treatments, whereby L-epi-2-inosose of a high purity is recovered from said culture broth supernatant or said filtrate of the reaction solution.

16. (Amended) A process as claimed in Claim 14 ~~or Claim 15~~, wherein, before conducting the step of effecting the reductive reaction of L-epi-2-inosose with the reducing agent as added, there is conducted such a preliminary step in which the pH of the aqueous medium composed of the culture broth supernatant or the reaction solution filtrate containing L-epi-2-inosose therein is once adjusted to an alkaline pH in a range of pH 8 to 12; and wherein there is then conducted the step which comprises adding to said aqueous medium containing L-epi-2-inosose and having a pH of 8 to 12 an alkali metal boron hydride, an alkali metal tri-alkoxyboron hydride or an alkali metal boron

cyanide as the reducing agent, and the effecting the reductive reaction of L-epi-2-inososе with said reducing agent, whereby the desired epi-inositol is produced in a yield much greater than that of the by-produced myo-inositol.

marked claims